

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING DIVISION

FILED  
JUL - 2 2007  
U.S. DISTRICT COURT  
WHEELING, WV 26003

IN THE MATTER OF THE § CIVIL ACTION No. 5:07-cv-00072  
COMPLAINT OF DTC MARINE §  
SERVICES, INC., AS OWNER OF THE § ADMIRALTY/RULE 9(h)  
BARGE 1588, FOR EXONERATION §  
FROM AND/OR LIMITATION OF §  
LIABILITY §

**ORDER GRANTING MOTION FOR: (1) APPROVAL OF (i) *AD  
INTERIM* STIPULATION FOR VALUE AND COSTS and (ii) LETTER  
OF UNDERTAKING; (2) DIRECTING ISSUANCE OF REQUIRED  
NOTICE; AND (3) ISSUANCE OF INJUNCTION ENJOINING  
COMMENCEMENT OR FURTHER PROSECUTION OF ACTIONS**

Plaintiff, DTC Marine Services, Inc. ("DTC Marine"), as owner of the Barge 1588, has filed a Motion for an Order: (1) approving its (i) *Ad Interim* Stipulation For Value and Costs and (ii) Letter of Undertaking; (2) directing issuance of the required Notice; and (3) immediately restraining the commencement or further prosecution of any and all actions, suits, or legal proceedings against DTC Marine and its affiliates, owners, shareholders, officers, employees, and property, including its vessels, and against its insurers and underwriters, with regard to any and all claims and causes of action which arise from or relate to, directly or indirectly, the matters addressed in the Complaint DTC Marine has filed under 46 U.S.C. §30501, *et seq.*, known as the Vessel Owners Limitation of Liability Act ("the Act"), and Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims of the Federal Rules of Civil Procedure ("Rule F").

The Court finds that DTC Marine has filed appropriate Verifications attesting to the value of its interest in the vessel, the Barge 1588, and that no pending freight existed on April 27, 2007. The Court further finds that DTC Marine has filed an appropriate *Ad Interim* Stipulation

for Value and Costs, and Letter of Undertaking, in accordance with established practice under the Act and Rule F.

Accordingly, it is ORDERED that the *Ad Interim* Stipulation for Value and Costs and the Letter of Undertaking filed by DTC Marine in the amount of \$10,000.00 (Ten Thousand Dollars), together with interest at the rate of six (6) percent per annum, is accepted and approved as to form, quantum, and surety.

It is further ORDERED that the above-described *Ad Interim* Stipulation for Value and Costs be accepted as an *Ad Interim* Stipulation for the purpose of this Limitation of Liability Act proceeding and that such is approved as to form, quantum, and surety.

It is further ORDERED, in accordance with Rules F(4) and F(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims of the Federal Rules of Civil Procedure, that Notice shall issue out of and under the seal of this Court to all persons, companies, and other entities asserting claims with respect to which DTC Marine's Complaint seeks exoneration from and/or limitation of liability, admonishing them to file their respective claims, in writing (attorneys for claimants may file the claims using the Electronic Filing System) with the Clerk of this Court and to also serve a copy on attorneys for DTC Marine on or before the 10th of August, 2007, and requiring any claimant who wishes to contest either the right to exoneration from liability or the right to limitation of liability to file and serve on DTC Marine's counsel an answer to the Complaint, unless the claim has included an answer, on or before the 10th day of August, 2007, or be forever barred and defaulted.

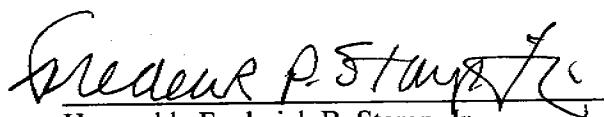
It is further ORDERED that counsel for DTC Marine shall cause the above-described Notice to be published in the *The Intelligencer*, a newspaper of general circulation in the city of

Wheeling, West Virginia, once each week for four (4) consecutive weeks prior to the date fixed for filing of claims, as set forth in said Notice.

It is further ORDERED that, not later than the day of second publication of the above-described Notice, DTC Marine's counsel shall serve the above-described Notice and a copy of this Order by certified mail, return receipt requested, postage prepaid, upon Mr. Danny King and Inland Marine Service, Inc., or their counsel, and any other persons or parties who have asserted a claim against DTC Marine arising out of the events described in DTC Marine's Complaint.

It is further ORDERED that the commencement or prosecution of any and all suits, actions, and legal proceedings of any nature against DTC Marine and its affiliates, owners, shareholders, officers, employees, and property, including its vessels (including but not limited to the Barge 1588), and against its insurers and underwriters, with regard to any and all claims and causes of action which arise from or relate to, directly or indirectly, the matters addressed in DTC Marine's Complaint are hereby ENJOINED and RESTRAINED, pending the hearing and determination of this proceeding.

Date: July 2, 2007.

  
Honorable Frederick B. Stamp, Jr.